



U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration

Office of General Counsel

January 16, 1990

Honorable Norm Rice
Mayor
The City of Seattle
1000 Municipal Building
Seattle, WA 98104

RECEIVED

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Dear Mayor Rice:

MAYOR'S OFFICE

This letter is to notify you that the City of Seattle is potentially responsible for damages to natural resources resulting from hazardous substances that have been released into the environment.

You are also hereby notified that the U.S. Government presently intends to bring suit against the City to recover natural resource damages as provided for under the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, (CERCLA), 42 U.S.C. §§9601-9675, as amended. This notice is provided to you pursuant to CERCLA §113(g)(1), 42 U.S.C. §9613(g)(1). A copy of this statutory provision is enclosed with this letter.

The National Oceanic and Atmospheric Administration, (NOAA), is a trustee for coastal and marine natural resources pursuant to CERCLA §107(f), regulations found at 40 C.F.R. §§300.72-74, Executive Order 12580, and the Department of Commerce Organizational Order 10-15, amendment 2, issued November 8, 1989. This notice is sent to you by NOAA, whose trust resources are believed to be damaged in this matter.

The natural resources which are of concern to NOAA are those that have been and/or are being exposed to substantial amounts of hazardous substances that were released from the City's storm drain outfalls located in and around Elliott Bay in Seattle, Washington, from Seattle City Light's Georgetown plant, and from the City's properties located on Harbor Island and adjacent to the Duwamish River.

Based upon the evidence currently available, NOAA has a reasonable basis to conclude that releases of the hazardous substances from the City's facilities, referenced above, contributed significantly to the contamination of the areas of exposure within its trusteeship. The City may be liable under Section 107(a) of CERCLA jointly and severally for the full cost of restoration or replacement of natural resources injured by the hazardous substances and/or the value of services from the resources lost as a result of the injury.

SCL 04469



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This notice is being sent to other parties potentially responsible for the release of significant amounts of hazardous substances, referenced above, to which the natural resources of concern have been exposed. For your information, I am enclosing a list of all potentially responsible parties similarly notified.

If you believe you have legal or factual information supporting the conclusion that the City is not responsible for these damages, provide that information as soon as possible so that it can be considered before the U.S. Government files suit. You may request any additional information available for disclosure by contacting, in writing, NOAA attorney Charles E. Albertson, 7600 Sand Point Way NE, Seattle, WA 98115-6349.

Very truly yours,

NATIONAL OCEANIC AND
ATMOSPHERIC ADMINISTRATION, TRUSTEE

By: 

Thomas A. Campbell
General Counsel

Enclosures: List of Potentially Responsible Parties
CERCLA §113(g)(1), 42 U.S.C. §9613(g)(1)

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(g) Period in which action may be brought

(1) Actions for natural resources damages

Except as provided in paragraphs (3) and (4), no action may be commenced for damages (as defined in section 9601(6) of this title, unless that action is commenced within 3 years after the later of the following:

(A) The date of the discovery of the loss and its connection with the release in question.

(B) The date on which regulations are promulgated under section 9651(c) of this title.

With respect to any facility listed on the National Priorities List (NPL), any Federal facility identified under section 9620 of this title (relating to Federal facilities), or any vessel or facility at which a remedial action under this chapter is otherwise scheduled, an action for damages under this chapter must be commenced within 3 years after the completion of the remedial action (excluding operation and maintenance activities) in lieu of the dates referred to in subparagraph (A) or (B). In no event may an action for damages under this chapter with respect to such a vessel or facility be commenced (i) prior to 60 days after the Federal or State natural resource trustee provides to the President and the potentially responsible party a notice of intent to file suit, or (ii) before selection of the remedial action if the President is diligently proceeding with a remedial investigation and feasibility study under section 9604(h) of this title or section 9620 of this title (relating to Federal facilities). The limitation in the preceding sentence on commencing an action before giving notice or before selection of the remedial action does not apply to actions filed on or before October 17, 1986.

SCL 04471

CTY0049478

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LIST OF POTENTIALLY RESPONSIBLE PARTIES
ELLIOTT BAY/HARBOR ISLAND, WASH.

Ms. Roseann Stevenson
ARCO Petroleum Products Company
1990 West Crescent Ave.
Anaheim, CA 92801

Mr. Harold Perantie
Asahipen America, Inc.
3300 Seafirst National Bank Bldg.
Seattle, WA 98154

Mr. Frank A. Schrontz
Chief Executive Officer
The Boeing Company
7755 E. Marginal Way S.
Seattle, WA 98108

Mr. Charles Cox
Bunker Hill Company
c/o Bunker Hill Ltd.
P.O. Box 29
Kellogg, ID 83837

Honorable Norm Rice
Mayor
The City of Seattle
1000 Municipal Building
Seattle, WA 98104

Mr. Jack Dando
Clough Industries, Inc.
2745 11th Ave. S.W.
Seattle, WA 98134

Honorable Brian J. Boyle
Commissioner of Public Lands
State of Washington
John A. Cherberg Bldg.
Olympia, WA 98504

Mr. Terry Drexler
13514 129th Place NE
Kirkland, WA 98034

SCL 04472

Mr. Mark Boyle
Eagle-Picher Industries, Inc.
580 Walnut Street
Cincinnati, OH 45202

Frederick Frederickson
Fisher Properties
1301 Fifth Ave.
Seattle, WA 98167

Leckenby Company
c/o Ben Weeks
9819 46th Ave. SW
Seattle, WA 98136

Mr. Peter Balch
Lockheed Shipbuilding and Construction Company
2929 16th Ave.
Seattle, WA 98134

Mr. S. Roller
Mobil Oil Company
3800 W. Alameda Ave.
Suite 700
Burbank, CA 9150

Mr. Robert Norsen
Mono Roofing Company
9616 Fauntleroy Way
Seattle, WA 98136

Mr. Richard Sandaas
Executive Director
Municipality of Metropolitan Seattle
821 Second Avenue
Seattle, WA 98104

Mr. John McGee
Non-Ferrous Metals, Inc.
2905 13th Ave. SW
Seattle, WA 98134

SCL 04473

CTY0049480

SEA289958

W. Mulkey
Olympic Pipe Line Company
P.O. Box 236
2319 Lind Ave. S.W.
Renton, WA 98057

Leslie Nellermeoe
Port of Seattle
c/o Syrdal, Danelo et al.
4th & Blanchard Bldg.
Seattle, WA 98121

Mr. Howard B. Myers
Quemetco Realty, Inc.
1111 W. Mockingbird Lane
Dallas, TX 75247

Mr. Howard B. Myers
Quemetco, Inc.
1111 W. Mockingbird Lane
Dallas, TX 75247

Mr. N.P. Jensen
SEAFAB Metal Corporation
2700 16th Ave. SW
Seattle, WA 98134

Mr. Marc Sidell
Seattle Iron and Metals Corporation
2955 11th Ave. SW
Seattle, WA 98134

Mr. G. Hagy
Shell Oil Company
P.O. Box 3105
Houston, TX 77001

President or Chief Executive Officer
Smith-Berger Manufacturing Corp.
516 S. Chicago
Seattle, WA 98108

Ms. Maureyne Fennell
Texaco Refining and Marketing, Inc.
10 Universal City Plaza
Universal City, CA 91608

SCL 04474

CTY0049481

SEA289959

Mr. Michael Marsh
Todd Shipyard Corporation
P.O. Box 3806
Seattle, WA 98124

Mr. Terry Foley
Value Plating & Metal Polishing
3207 11th Ave. SW
Seattle, WA 98134

Mr. William C. Cairns
President
Wyckoff Co.
1508 Peoples National Bank Building
Seattle, WA 98171

Mr. Robert Quenell
Western/Quemetco
c/o Quenell Enterprises, Inc.
P.O. Box 302
City of Industry, CA 91747

Mr. David Nicholson
Weyerhaeuser Company
Tacoma, WA 98477

SCL 04475

CTY0049482

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